

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION

ROBERTA SLAAEN

Plaintiff,

v.

Case No.: 18-cv-1560

SL GREENFIELD, LLC

Defendant

**PLAINTIFF’S MOTION FOR ENTRY OF DEFAULT AND
DAMAGES-RELATED DISCOVERY**

COMES NOW Plaintiff, Roberta Slaaen, and by her attorneys, Walcheske & Luzi, LLC, and hereby motions this Court to direct the Clerk to enter default against Defendant pursuant to FED. R. CIV. P. 55(a).

On November 13, 2018, an executed Waiver of Service was filed with this Court. (*See* ECF No. 6.) The executed Waiver of Service: (1) confirmed that Defendant “received a copy of the Complaint in this action, two copies of this instrument, and a means by which I can return the signed waiver to [Plaintiff’s counsel] without cost to me”; and (2) informed Defendant that “a judgment may be entered against me ... if an answer or motion under Rule 12 of the Federal Rules of Civil Procedure is not served upon [Plaintiff’s counsel] within 60 days after **October 4, 2018.**” *Id.* (emphasis in original.)¹

Defendant’s Answer or other responsive pleading to Plaintiff’s Complaint was due on or before December 3, 2018 – sixty (60) days after October 4, 2018. *See* FED. R. CIV. P.

¹ The Waiver of Service similarly states: “If you waive service, then you must, within the time specified on the waiver form, serve and answer or a motion under Rule 12 on the plaintiff and file a copy with the court.” *Id.*

12(a)(1)(A)(ii) (stating that a defendant who has timely waived service under RULE 4(d) must serve a responsive pleading within 60 days after the request for a waiver was sent).

To date, Defendant has not filed an Answer or other responsive pleading to Plaintiff's Complaint. Therefore, because the time for Defendant to do so has passed, the Clerk must enter default against Defendant pursuant to FED. R. CIV. P. 55(a).

Plaintiff further requests that, following the Clerk's entry of default, this Court allow her to engage in damages-related discovery prior to the scheduling of a damages hearing. Plaintiff seeks and needs to obtain information and evidence that is currently in Defendant's possession in order to support an award of damages.

WHEREFORE, Plaintiff respectfully requests that this Court grant her Motion.

Dated this 7th day of December, 2018.

WALCHESKE & LUZI, LLC
Counsel for Plaintiff

s/ Scott S. Luzi
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